

00- R-1268

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEEA RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$1,917.71 IN SETTLEMENT OF THE
CLAIM OF THE U. S.
DEPARTMENT OF JUSTICE
AGAINST THE CITY OF ATLANTA

APPROVED BY:

Rosalind Rubens Newell
 ROSALIND RUBENS NEWELL
 DEPUTY CITY ATTORNEY

ADOPTED BY

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date 8-7-2000
 Chair C. T. Murph
 Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

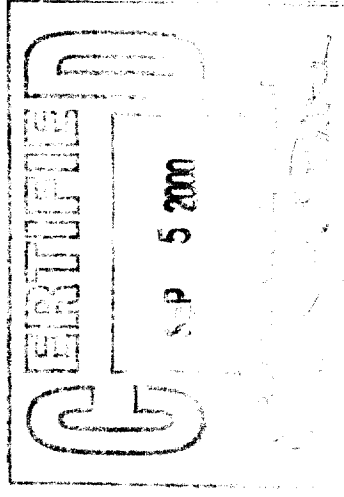
FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED



CERTIFIED
 SEP 0 5 2000

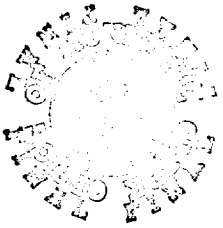
Rosalind Rubens Newell
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 1 4 2000

 WITHOUT SIGNATURE
 BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

00- R -1268

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,917.71 IN SETTLEMENT OF THE CLAIM
OF THE U. S. DEPARTMENT OF JUSTICE AGAINST THE
CITY OF ATLANTA**

WHEREAS, the U. S. Department of Justice has filed a claim against the City of Atlanta seeking recovery of the damages sustained to its vehicle due to concrete falling from the Spring Street bridge; and

WHEREAS, the City of Atlanta was on notice of the hazardous condition of the Spring Street bridge; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$1,917.71 and has agreed to accept this sum in full and complete satisfaction and settlement of its claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of U. S. Department of Justice be settled for the sum of \$1,917.71.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$1,917.71 be paid by the City of Atlanta in satisfaction of any and all claims the U. S. Department of Justice may have stemming from damages sustained to its vehicle on or about May 8, 2000 under the Spring Street bridge.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Rhonda Daughen Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 05, 2000

SEP 14, 2000



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0425

Date: July 27, 2000

Claimant /Victim U. S. DEPARTMENT OF JUSTICE

BY: (Atty) _____

Address: P. O. Box 98128, Atlanta, Georgia 30359-1828

Subrogation: _____ Claim for Property damage \$ 1,917.71 Bodily Injury \$ _____

Date of Notice: 07/10/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/08/00 Place: Spring Street Bridge

Department Public Works Division: Street Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's vehicle was damaged while it was parked under the Spring Street bridge and a piece of concrete from the bridge fell onto same. The City had prior notice of the hazardous condition of the bridge.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

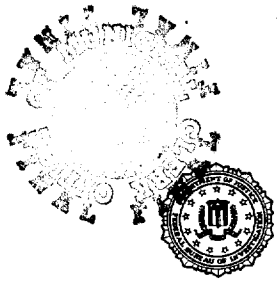
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,917.71 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 0722-00

Committee Action: _____ Council Action _____



U.S. Department of Justice

Federal Bureau of Investigation

M. Mitchell
07/10/00
DM

In Reply, Please Refer to
File No.

Post Office Box 98128
Atlanta, Georgia 30359-1828
June 29, 2000

REGISTERED MAIL
RETURN RECEIPT REQUESTED

City of Atlanta
Department of Law
City Hall Tower, Suite 4100
68 Mitchell Street, SW
Atlanta, GA 30335-0332

ENTERED - 7-14-00 - SB
00LO425 - DIANNE MITCHELL

Attn: Claims

Re: Date of Incident: 05/08/2000
Location: Richard Russell Federal Building
Atlanta, GA
Your Claim #: UNKNOWN

Dear Sir or Madam:

This will confirm that the Federal Bureau of Investigation is the owner of a vehicle which was damaged by falling concrete from an overhead bridge while parked in the FBI parking area at the Richard Russell Federal Building on May 8, 2000, at approximately 10:15 a.m. The concrete fell onto and damaged the roof of our vehicle, a 1999 Buick Century. It is our understanding that other vehicles were also damaged around the same time period by similar circumstances.

Our assigned driver, SSA John V. Insogna, spoke with Joseph A. Oguntoye, Civil Engineer, Infrastructure Planning Group, City of Atlanta, who attributed the falling concrete to stress on the bridge joints caused by bus traffic on the bridge. Per instructions from Mr. Oguntoye, SSA Insogna spoke with Karen Warrior and Chris Harris of the General Services Administration (GSA) at the Russell Building regarding this matter. SSA Insogna was eventually advised by the GSA representatives to submit this claim directly to the City of Atlanta.

Our vehicle sustained severe damage to the roof. Enclosed are three estimates for the repair: 1) Budget Auto Painting, Inc. in the amount of \$2,031.56; 2) Billy's Body and Fender Repair, Inc. in the amount of \$1,917.71; and 3) DeKalb Auto Collision in the amount of \$1,918.61. Inasmuch as the

damage to our vehicle resulted from the negligence of your insured, you should remit payment to us for the repair of our vehicle. The check should be made payable in the amount of \$1,917.71 to both our agency and the body shop as follows: "Federal Bureau of Investigation OR Billy's Body and Fender Repair, Inc." and mailed to:

Federal Bureau of Investigation
Attn: Legal Unit
2635 Century Parkway, Suite 400
Atlanta, GA 30345

We do not anticipate needing a rental car during the repair period. However, if we subsequently determine that a rental is necessary, we will contact you further.

Your cooperation and prompt attention to this matter are appreciated. Please direct any additional correspondence to CDC Mollie Johnson Halle (404/679-6250) or Paralegal Mary Moravitz (404/679-6404) at the address indicated above.

Sincerely,

THEODORE JACKSON
Special Agent in Charge

A handwritten signature in cursive script, reading "Mollie Johnson Halle".

By: MOLLIE JOHNSON HALLE
Chief Division Counsel

RCS# 2194 :
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Wooldard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1102 2. 00-O-1143 3. 00-O-1207 4. 00-O-1295 5. 00-O-1303 6. 00-O-1313 7. 00-O-1124 8. 00-O-1125 9. 00-O-1126 10. 00-O-1127 11. 00-O-1128 12. 00-O-1133 13. 00-O-1196 14. 00-O-1298 15. 00-O-1122 16. 00-O-1300 17. 00-R-1198 18. 00-R-1230 19. 00-R-1290 20. 00-R-1312 21. 00-R-1316 22. 00-R-1265 23. 00-R-1266 24. 00-R-1267 25. 00-R-1268 26. 00-R-1270 27. 00-R-1314 28. 00-R-1229 29. 00-R-1233 30. 00-R-0886 31. 00-R-1236 32. 00-R-1237 33. 00-R-1238 34. 00-R-1239 35. 00-R-1240 36. 00-R-0241 37. 00-R-1242 38. 00-R-1243 39. 00-R-1244	40. 00-R-1235 41. 00-R-1245 42. 00-R-1246 43. 00-R-1247 44. 00-R-1248 45. 00-R-1249 46. 00-R-1250 47. 00-R-1251 48. 00-R-1252 49. 00-R-1253 50. 00-R-1254 51. 00-R-1255 52. 00-R-1256 53. 00-R-1257 54. 00-R-1258 55. 00-R-1259 56. 00-R-1260 57. 00-R-1261 58. 00-R-1262 59. 00-R-1263 60. 00-R-1264